



Singer
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007.

Robert R. Corbin

August 31, 1982

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Ms. Suzanne Laursen
Deputy Yuma County Attorney
P.O. Box 1048
Yuma, Arizona 85364

Re: I82- 086 (R82-031)

Dear Ms. Laursen:

This is in response to your letter dated March 3, 1982, to the Superintendent of the Parker Unified School District concerning whether A.R.S. § 13-3620 requires school personnel to report to the police incidents in which children injure each other while on school grounds. Following is a revision of your opinion.

The language of A.R.S. § 13-3620 is facially broad. We therefore think that, under the terms of the statute, school personnel have a mandatory duty to report to peace officers or DES protective services evidence of all non-accidental injury,¹/ sexual molestation, death, abuse, or physical neglect.

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

BC:CWL:ta

1. The term "physical injury" is defined by A.R.S. § 13-105.24 as "the impairment of physical condition."



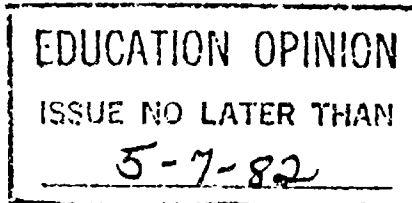
OFFICE OF THE COUNTY ATTORNEY

168 S. Second Avenue
Post Office Box 1048
Yuma, Arizona 85364

782-4534, Ext. 55
782-2776

DAVID S. ELLSWORTH
COUNTY ATTORNEY

TIM HOLTZEN
CHIEF DEPUTY



March 3, 1982

3-10-82 pc
LOWE

R82- 031

Roby Dick
District Superintendent
Parker Unified School District No. 27
1608 Laguna Avenue, Box 1089
Parker, AZ 85344

Dear Mr. Dick:

The only legal requirement for school personnel to report to the police when students get into trouble at school is found in A.R.S. §13-3620, which provides:

Any ... school personnel or any other person having responsibility for the care of children whose observation or examination of any minor discloses evidence of injury, sexual molestation, death, abuse or physical neglect which appears to have been inflicted upon such minor by other than accidental means ... shall immediately report or cause reports to be made of such information to a municipal or county peace officer ...

A.R.S. §13-3620 is a criminal statute and is in the chapter of the criminal code titled "Family Offenses". These statutes appear to be primarily concerned with preventing adults from neglecting or abusing children. The broad language of §13-3620 could encompass situations where children were injured or abused by other children, however.

Since the philosophy and purpose of juvenile courts is to provide a special method of treatment for minors and application of the criminal code is left to the discretion of the court, see McBeth v. Rose, 111 Ariz. 399,

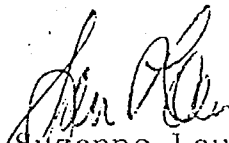
Roby Dick
March 3, 1982
Page Two

R82- 031

531 P.2d 156 (1975); since a proceeding involving a delinquent juvenile has as its objective the protection and rehabilitation of the child, see Arizona State Department of Public Welfare v. Barlow, 296 P.2d 298 (1956); and since many of the juvenile offenders brought to the attention of the juvenile court personnel are dealt with on some other basis than criminal prosecution, it would appear that the purpose of §13-3620 is for the protection rather than prosecution of juvenile offenders, if in fact it was meant to require the reporting of abuse upon juveniles other than from adults.

Keeping in mind the interests of protection of the child and treatment of the child offender in a manner that is in the child's best interest, it appears that school personnel are only required to report to police instances of injury, abuse, or sexual molestation among children when the matter cannot be handled internally by school personnel because of the degree or seriousness of the activity or when it would be in the child's best interest and protection to report the matter to the police.

Sincerely,



Suzanne Laursen
Deputy County Attorney

SL:max
cc: Attorney General